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May 23, 2002

**BY HAND DELIVERY**
Ms. Blanca Bayó, Director
The Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 011077-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of AT&T Communications of the Southern States, LLC are an original and fifteen copies of AT&T Communications of the Southern States, LLC's Comments in the above-referenced docket.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,

Tracy W. Hatch

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cc: Virginia Tate, Esq.

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**BEFORE THE FLORIA PUBLIC SERVICE COMMISSION**

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| In re: Generic Investigation into Whether Competitive Practices of Incumbent and Alternative Local Exchange Carriers Comply with Secrtions 364.01(4)(g), Florida Statutes | ) | Docket No. 011077-TP<br><br>Filed: May 23, 2002 |

**AT&T'S COMMENTS**

On May 9, 2002, the Commission staff held a Workshop in the above-referenced proceeding. As a result of a survey of carriers experiencing possible violations of Section 364(4)(g), Florida Statutes, a list of issues was assembled for investigation in this docket. When selecting the order to discuss these issues, the staff deferred items which are being addressed in other docketed matters before the Commission, or are being address in the Collaborative (an ongoing industry issues forum) to avoid duplication of efforts.

The purpose of the workshop was to discuss PC-freezes, which may prevent carriers from proceeding to switch wholesale service from resale to UNE-P. Staff also indicated that they would take one issue (from the industry issues list) at a time in this proceeding and work toward a resolution. Staff will address issues that appear straightforward and relatively easy to resolve as a starting point. Staff also indicated its desire to use this issue as a springboard to develop a more firm process for handling other issues.

At the conclusion of the Workshop, staff asked parties to provide their comments regarding the rulemaking language. AT&T hereby complies with that request as follows:

**PC FREEZES**

The purpose of the preferred carrier ("PC") freeze system is to provide an additional method for a customer to protect him/herself against slamming. While the PC freeze is designed to assist the customer in insuring that no unauthorized carrier *wrongfully* changes the customer's selected service, it should not make it more difficult than necessary for the customer to change carrier service when he or she genuinely wishes to do so, or when the ALEC chooses to migrate that customer from one wholesale service to another. The PC freeze should not needlessly get in the way of the customer's *bona fide* decision. The current system provides a degree of protection against slamming, but only at enormous and unnecessary cost to competitors and consumers in the form of needless frustrating impediments to customers seeking to make *bona fide* changes to their preferred carrier, or as stated above, when an ALEC chooses to change the underlying wholesale services of their existing customers. The existing system – except when administered by an ILEC on its own behalf – is unfriendly to both the consumer and the ALEC. That anti-consumer bias is, for this reason, seriously anti-competitive.

At this time, AT&T opposes a preferred local carrier freeze program in Florida. Competition has simply not developed to the stage where such a program would provide any genuine, meaningful consumer protection against slamming. Additionally, preferred local carrier freezes are detrimental to the overall development of competition in the state. Without independent verification of that customer request through an LOA or TPV, the Commission or other carriers cannot validate that PC freeze request.

While it has chosen not to impose a nationwide prohibition on the implementation of preferred local carrier freezes by incumbent local exchange carriers, the FCC has specifically recognized the potential for abuse of the preferred carrier freeze process:

> [W]e recognize, as several commenters observe, that preferred carrier freezes can have a particular adverse impact on the development of competition in markets soon to be or newly open to competition. These commenters in essence argue that incumbent LECs seek to use preferred carrier freeze programs as a means to inhibit the ability or willingness of customers to switch to the services of new entrants. We share concerns about the use of preferred carrier freeze mechanisms for anticompetitive purposes. We concur with those commenters that assert that, where no or little competition exists, there is no real opportunity for slamming and the benefit to consumers from the availability of freezes is significantly reduced. Aggressive preferred carrier freeze practices under such conditions appear unnecessary and raise the prospect of anticompetitive conduct.
>
> *Second Report and Order, In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996*, CC Docket No. 94-129, FCC 98-334, released December 23, 1998, at para. 36. [Footnotes omitted.]

Furthermore, the FCC has expressly stated that individual state commissions may prohibit the implementation of a preferred local carrier freeze, should such a prohibition be either necessary or appropriate:

> We make clear, however, that states may adopt moratoria on the imposition or solicitation of intrastate preferred carrier freezes if they deem such action appropriate to prevent incumbent LECs from engaging in anticompetitive conduct. We note that a number of states have imposed some form of moratorium on the implementation of preferred carrier freezes in their nascent markets for local exchange and intraLATA toll services. [Footnote omitted referencing decisions in New Jersey, California, and Texas.] We find that states – based on their observation of the incidence of slamming in their regions and the development of competition in relevant markets, and their familiarity with those particular preferred carrier freeze mechanisms employed by LECs in their jurisdictions – may conclude that the negative impact of such freezes on the development of competition in local and intraLATA toll markets may outweigh the benefit to consumers.

*Id.,* at para. 38.

This language describes exactly the situation here in Florida. Competition in the local exchange market is nascent. At this time, ILEC administration of local freezes has less to do with state's concerns for consumer protection, but rather is a thinly disguised attempt to lock-in the ILEC's existing market share.

The New York Public Service Commission has also chosen to exercise caution when addressing the issues associated with implementing this type of preferred local carrier freeze. After seeking comments on a proposal by Verizon, the NYPSC noted:

> The nine initial commenters overwhelmingly oppose the Local Service Provider Freeze option. They state that the filing is premature and inappropriate, especially since it allows the carrier with the most to gain by freezing customers, Verizon, to be the custodian of the freeze process. Many also stated that the incidence of local slamming complaints is not sufficient to warrant local service freezes. . . .
>
> In its comments, the Office of the Attorney General (OAG) states that instituting a freeze would create an unnecessary risk to local competition, especially since Verizon has a monopoly on facilities essential to local competition and is the overwhelmingly dominant carrier in its service territory.
>
> *Order of the New York Public Service Commission in Case 00-C-0897 et. al.,* issue and effective March 23, 2001, at page 21.

The NYPSC went on to hold that, "in light of the rapidly changing local telecommunications market and our competitive concerns related to the current PIC freeze system, Verizon's proposed tariff revisions should not become effective during our evaluation of the entire freeze system."

Although outside the scope of this workshop, AT&T believes that the industry should begin the transition from a carrier change and PC freeze administration that presumes that the ILECs are the monopoly providers of local services to a competitively

neutral system that assumes a multiplicity of local service providers. The migration of the existing PC freeze and carrier change functionalities to a neutral third party administrator is commercially viable and clearly superior in every respect to the current ILEC-centric system. If a truly multi-carrier competitive market is to develop and grow in Florida, it will be essential that no carrier continue to play the dual roles of competitor and gatekeeper/umpire. Simply put, in order for competition in the local market to flourish in Florida, it is essential that the industry adopt a neutral administration of the PC freeze process.

Moreover, AT&T would like to point out that complaints, similar to the one leading to his particular workshop, are only the tip of the iceberg with regard to problems relating to ILEC control over the PC freeze process. These types of complaints bring to light the problems ALECs experience in the new and budding local service market. (See section D.1 & D.2 herein). While AT&T is not currently offering consumer local service on a resale basis in Florida, this problem is indicative of the ILECs control over the administration of PC freezes and how that administration is anti-competitive and potentially harmful to Florida consumers.

AT&T acknowledges that the issue of a neutral PC administration is outside the scope of this workshop. However, AT&T provides the following information because the problems underlying the proposed rule changes would be better solved by a new PC administration mechanism. AT&T recommends that this proposal be addressed in a future rulemaking or other proceeding.

AT&T believes that a neutral administration in whole, or even in part, will significantly improve the functionality and reliability of the PC Freeze carrier change

program for customer use, and a neutral administrator will ensure that the ILECs are not and could not be the fox guarding the henhouse. Assigning responsibility to a neutral entity for PC freeze administration and associated functions for accomplishing PC changes should consolidate and decrease the amount of effort a customer must expend to administer their phone service selection, and may increase customer faith in such a program.

First, a neutral third party PC and carrier change administration system guarantees an improvement in the customer's experience. The current system used by ILECs and ALECs works badly. The system used by ILECs works better only for the ILECs because the ILECs discriminate in favor of their own carrier representatives. A better solution is to bring everyone's customer service standards to the highest non-discriminatory level. A third party administrator can accomplish this objective.

A neutral administrator would enhance the customer's experience by eliminating the need for a three-way call between the customer and two competing carriers. Neutral administration should also reduce the number of calls required of the customer to one call, and thereby effect a more expeditious implementation of the customer's PC change request. In contrast, even if a customer is aware that they have a PC freeze, the customer must make several calls, if not more, over the course of 7-10 days to lift a PC freeze, place a carrier change order and then re-impose a PC freeze on their new service. If a customer is unaware that they have a PC freeze and submits a service change order which is consequently rejected by the ILEC, it may take the customer at least five calls spaced over the course of approximately 12-19 days to accomplish the PC change and re-impose a PC freeze. Moreover, as it is, a PC freeze is not an actual block in the network or on

the switch that controls which carrier serves as a customer's pre-subscribed carrier for inter-exchange service. Rather, to administer the PC freeze system, it appears that the ILEC has a "note" in its local service record billing system that rejects a submitting carrier's order if a PC freeze exists. If any-distance competition is to be encouraged, allowing one competitor to administer the blocking mechanism on all carrier orders is rife with anticompetitive possibilities. Additionally, with further regulation of customer information privacy, the ILEC might be concerned with any legal obligations to withhold customer account information such as a PC freeze, and refuse to reveal the status of a PC freeze to a submitting carrier. The ILEC should not be required to singularly bear the tension between safeguarding a customer's privacy rights on account information while at the same time making this information available to competitors on a real time basis so that customer service changes proceed without undue difficulty. Surely it would be best for customer privacy protection if carriers accessed a neutral entity, rather than the ILEC.

Similarly, with the creation of a neutral administrator to facilitate provision to all carriers of the current PC freeze status of the customer in compliance with any applicable customer privacy regulations, there is a guaranteed improvement in the ease and efficiency that a customer will experience in effectuating its desired carrier change. At the same time, a neutral administrator ends the risk that the ILEC is able to perform a PC freeze lift more easily than its competitors in order to switch a customer to that ILEC.

Finally, but of great significance going forward, a third party administrator of the PC freeze carrier change process will facilitate both the PC freeze and the intercarrier exchange processes in a multi-carrier environment. The existing system simply cannot accommodate either of these objectives.

Accordingly, AT&T makes the following proposal with respect to neutral administration of the PC freeze program.

## AT&T Proposal

AT&T proposes that a neutral entity be established to (1) serve as a central repository or clearinghouse of PC freeze status and some of the basic elements of the local customer service record ("CSR"), and (2) have a third party verification division to accept requests to impose and lift PC freezes from customers calling directly and/or from customers transferred by carriers. The amount of "administration" required is minimal. To serve as a neutral PC freeze administrator, the data store or clearinghouse and its TPV division would merely have to be allowed to communicate the PC freeze status updates to all local service providers ("LSPs") and interexchange carriers ("IXCs") involved in individual PC change requests, and receive daily updates of customer account information from carriers. For neutral PC freeze administration to succeed, it would be mandatory for all carriers to participate in this program. For purposes of this proposal, this neutral entity shall be referred to as the Neutral PC Freeze Administrator (NPFA).

### A. NPFA CENTRAL DATA STORE

In a multi-local carrier environment, a PC freeze program designed (i) to work for all customers, rather than just ILEC local customers, and (ii) to offer a local PC freeze in addition to local toll and long distance freezes, will not work unless carriers know which other carrier serves as the customer's LSP. Additionally, PC freezes are just one of the primary reasons that ILECs may unnecessarily reject a *bona fide* customer PC change request submitted by a LSP or IXC.[1] Accordingly, AT&T recommends that the neutral

[1] For example, a LEC may reject a PC change request submitted by an ALEC or IXC with the following TCSI codes: 2104 (Billing telephone number not found); 2122 (Billing name does not match the billing

entity maintain a data store of the following basic necessary information pertinent to placing a proper order to change customer service:

1. Billing Telephone Number (BTN)
2. Billing Name and Address
3. Working Telephone Numbers (WTNs) under this BTN
4. Residence/Business indicator
5. Line Status (active, disconnect, blocked, etc)
6. PC Freeze Indicator (populated Yes or No) at Service Level (Local Toll, LD)
7. Date of most recent record update
8. Some type of indicator to Identify CICless resellers
9. Local Service Provider (LSP) ID.

Without having real time access to this information, neither an LSP nor an IXC, can be sure that it is submitting a PC change request to the correct local service provider, or that the request is sufficiently compatible with the LSP's customer account information so as not to be rejected by the LSP. With local service competition in Florida, it is appropriate that all carriers have equal real time access to this basic information so as not to confer a competitive advantage on the customer's incumbent local service provider, who may also be marketing local toll or long distance service.

In order to initially establish this neutral, centralized data store, each current local service provider serving Florida markets would be required to provide a one time data

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name for this account on the LEC record); 2124 (Billing address does not match the billing address for the account on the LEC record); 2166 ("the PC freeze reject" -- end user request that PC activity on the account be limited to orders initiated with ILEC. ALEC/IXC requests to change PC are not accepted and this code indicates the account is PC'd to another carrier).

transfer of the above-listed customer account information for all their local customers.[2] On an ongoing basis, all LSPs would be required to provide daily updates to the NPFA data store of any changes to the required customer account information. Correspondingly, the NPFA would provide, at a minimum, a daily update of PC freeze status changes to each affected local service provider.[3] Once established, the neutral data store would then -- with all due regard for customer privacy as set forth in more detail below -- allow all carriers with appropriate customer permission to access the data store for a real time individual customer account status query in order to prevent needless order rejections. Conceptually, the real time access and inquiry would take place while the customer was on the phone with a carrier he or she was speaking to about a service change. The carrier's service representative would be able to read a computer screen with the pertinent information. The NPFA's data store would be accessible on a non-profit transactional fee basis for carriers who queried it to determine a customer's PC freeze status and basic account information.

AT&T, as a local service provider who would transfer customer information to a neutral entity, is committed to safeguarding customer account information. It is not intended that any and all carriers could access this data store at any time and for any purpose such as marketing. Rather, it is proposed that each carrier wishing to access such

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[2] *See* Order on Reconsideration and Petitions for Forbearance, CC Docket No. 96-115 (FCC 99-223, rel. Sept. 3, 1999), ¶ 146-47 (customer name, address and telephone number are not CPNI and constitute information for the purposes of § 272(c)(1) and if the BOC makes such information available to its 272 affiliate, it must make it available to non-affiliated entities).

[3] This would advantage the LSPs to some extent. If a LSP wished to also market local toll or long distance service to the customer, the LSP would only have to access its internal records to determine if there were any PC freezes on the lines and could avoid the cost of accessing the NPFA's neutral data store. Additionally, in the future and especially if the NPFA were allowed to administer local service freezes, the neutral data store would assist a LSP by providing them real time access to the PC freeze status of customer who has a different LSP.

information must enter an appropriate general agreement with the NPFA prior to gaining access. As may be specified in such a general agreement and as would be consistent with observance of certain CPNI regulations, "each customer would have to grant the carrier whatever permission necessary to access a customer account record as maintained by the NPFA."

### B. NPFA TPV DIVISION AND PC FREEZE ADMINISTRATION

As a centralized administrator of the PC freeze program, the neutral data store should be associated with a separate division that conducts third party verifications of PC freeze imposition or lift orders. The NPFA's third party verification ("TPV") division would perform just as industry TPV vendors currently perform, by audio recording and preserving customer requests for service changes and PC freeze impositions and/or lifts.[4]

To the extent that the NPFA TPV division performs as a TPV vendor, it is anticipated that fees for the service should be competitive with current industry TPV vendors. However, the NPFA TPV division itself could be operated on a non-profit

[4] Third party verification and/or oral authorization from the subscriber is sufficient. The applicable FCC rules state: "No local exchange carrier shall implement a preferred carrier freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures: . . (iii) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification date (e.g., the subscriber's date of birth or social security number) and the information required in Sec. 64.1190(d)(3)(i)(A) through (D). The independent third party must not be owned, managed, or directly controlled by the carrier or the carrier's marketing agent; must not have any financial incentive to confirm preferred carrier freeze requests for the carrier or the carrier's marketing agent; and must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier freeze. . . . (e) Procedures for lifting preferred carrier freezes. All local exchange carriers who offer preferred carrier freezes must, at a minimum, offer subscribers the following procedures for lifting a preferred carrier freeze: (1) A local exchange carrier administering a preferred carrier freeze must accept a subscriber's written and signed authorization stating her or his intent to lift a preferred carrier freeze; and (2) A local exchange carrier administering a preferred carrier freeze must accept a subscriber's oral authorization stating her or his intent to lift a preferred carrier freeze and must offer a mechanism that allows a submitting carrier to conduct a three-way conference call with the carrier administering the freeze and the subscriber in order to lift a freeze. when engaged in oral authorization to lift a preferred carrier freeze, the carrier administering the freeze shall confirm appropriate verification data (e.g , the subscriber's date of birth or social security number) and the subscriber's intent to lift the particular freeze." 47 C.F.R. § 64.1190 (d)(2)(iii) and (e)(2).

basis, thereby perhaps offering better pricing than other TPV vendors. Or, if the NPFA TPV was non-profit but offered the market price, any monies made could be used to offset the costs of neutral PC Freeze administration. Obviously, the advantage to both carriers and customers of this arrangement is that a customer subject to a PC freeze but interested in changing carrier can have the PC freeze identified, the freeze lifted and the TPV verification concluded on a single call, all without any increased risk of slamming. Carriers interested in using their current TPV vendors would, of course, be free to do so.

Addressing regulatory concerns, the NPFA TPV also offers the opportunity to have scripting for the verification process that meets all the regulatory expectations for successfully educating customers about the PC freeze mechanism and providing a consistent PC freeze experience.

Once the NPFA TPV division verified a customer's authorization, the NPFA would send an electronic message[5] to the customer's LSP, advising it of the imposition/lift of a PC freeze. The update to the LSP could be accomplished through real time data transfer, online query by an LSP or through daily batch feeds to suit the needs of customer account change frequencies. The NPFA would also update its own data store to reflect the customer's current PC freeze status. The information flow under neutral PC freeze administration may also be understood by viewing the attached diagrams provided as Exhibit A. In order to better serve customers, the NPFA should be allowed to accept a single customer request to lift a PC freeze in order to process a specific PC change order

[5] The electronic messaging does not necessarily require development of a new information exchange system. Currently, many carriers conduct Customer Account Record Exchange ("CARE") through Transaction Code Status Indicators (TCSIs). The Ordering and Billing Forum (OBF) industry workgroup meets regularly to review the TCSIs. To the extent that current TCSIs may not already exist to convey the messages necessary, several new TCSIs could be easily established. The NPFA could exchange such TCSIs with the carriers via electronic or paper messaging --the same way that carriers currently exchange the TCSIs.

and then re-impose a PC freeze once the PC change is completed. Currently, it is any customer and their new ALEC or IXC carrier's best guesswork as to when to lift a PC freeze, then wait the supposedly appropriate amount of time for an ILEC to receive, handle and confirm a PC change and then try to impose a PC freeze at the earliest possible opportunity.[6] During this time, the customer may be vulnerable to slamming. Ironically, because the PC freeze resides in the billing system and is not related to the switch, it may not be necessary for a LSP to actually "lift" and "re-impose" the PC freeze. Rather the LSP merely needs proper authorization, such as the NPFA's "go-ahead" to process the PC change despite the pre-existing PC Freeze and, if the customer wishes, leave the PC Freeze on the new service order. This would save the customer at least 3 phone calls.

The NPFA would also address problems associated in PC freeze administration where a CIC-less reseller riding on a facilities-owned IXC is involved. Currently, there is a lack of communication between the ALECs, Resellers and IXCs involved.

> A switchless reseller is a carrier that lacks switches or other transmission facilities in a given LATA. It purchases long distance service in bulk from facilities-based carriers and resells such service directly to consumers. Resellers frequently share CICs with the underlying carriers whose services they resell. . . . . the shared use of CICs gives rise to two related problems: soft slamming and carrier misidentification. A soft slam is the unauthorized change of a subscriber from its authorized carrier to a new carrier that used the same CIC. Because the change is not executed by the ILEC, which continues to use the same CIC to route the subscriber's calls, a soft slam bypasses the preferred carrier freeze protection available to consumers from ILECs. Carrier misidentification occurs because LECs also identify carriers by their CICs for billing purposes. An ILEC's call record therefore is likely to reflect the identify of the underlying carrier whose CIC is used, even if the actual service provider is a reseller. As a result, the name of the underlying carrier may appear on the subscriber's bill in lieu of, or in

[6] Federal regulations currently allow up to 60 days to process a PC change order before a submitting IXC's order request verified by written or electronic LOA is considered stale. See 47 C.F.R. § 64.1130(j) ("telecommunications carrier shall submit a preferred carrier change order on behalf of a subscriber within no more than 60 days of obtaining a written or electronically signed letter of agency").

addition to, the reseller with whom the subscriber has a direct relationship. This makes it difficult for consumers to detect a slam and to identify the responsible carrier."

*See* Third Report and Order and Second Order on Reconsideration, CC Docket No. 94-129, FCC 00-255 (rel. August 15, 2000), ¶ 22.

The NPFA would keep all carriers informed and provide them with the information to keep accurate records. The reseller would also be able to access the customer account data store and transfer a customer to the TPV division to verify an PC freeze lift and re-imposition of the freeze post PC change. The NPFA would send PC notification to the Reseller and a PC freeze status update to the LSP. The Reseller would send notification to the Facility Owned IXC with a special notification code and TPV authorization number. The Facility Owned IXC would forward the notification to the LSP. The LSP would process the PC Change order, sending an outPC to the old IXC and inPC to the new IXC. The new facility owned IXC serving the Reseller would set up the proper billing account/calling plan then forward confirmation to the Reseller.

Importantly, a NPFA working in conjunction with all LSPs to administer a PC freeze system would make the PC freeze function available to all customers regardless of the ILEC providing local service. Although the ILECs are currently authorized as the administrator for PC freezes for local, local toll and long distance service in Florida, the ILECs are incapable of administering PC freezes for customers served outside of their service territory. The FCC rules permit other ALECs to administer PC freeze programs,[7] but not all ALECs have the resources to comply with all the requirements mandated to

[7] See 47 C.F.R. § 64.1190(a) ("All local exchange carriers who offer preferred carrier freezes must comply with the provision of this section").

establish a program.[8] A NPFA should assist in removing the burden of many of these requirements from ALECs while providing the desired benefit to the customers.

Additionally, an NPFA would ensure that a customer's PC freezes on local toll and/or long distance service stay intact even if the customer switched local service providers. Currently, even if a LSP administers a PC freeze program (and many do not), there is no provision for transfer of the customer's PC freezes when a customer switches local service providers. This has created a loophole in the current PC freeze system. If a carrier submits a PC change order for the local service and waits for that order to be confirmed, the carrier can then (rightly or wrongly) submit the orders for a local toll and/or long distance service change and there will be no PC freeze in place with the new LSP to cause an order reject. The NPFA should succeed in removing this loophole that enables some companies to bypass PC freezes in certain instances. With the NPFA, a customer can confidently impose PC freezes on local toll and long distance service orders and rely on the freezes staying intact even if the customer switches LSPs.

To summarize, the NPFA would provide the following benefits. The NPFA accommodates the full range of the customer request via one phone call. The accessible central data store provides carriers a tool to pro-actively prevent unnecessary rejection by the LSP of customer service orders. The NPFA sets up an audit trail for the PC Freeze program. The central data store will make it possible to track and compare PC Freeze orders verified and/or accepted by the NPFA TPV to the actual notification sent to the LSP to ensure carrier adherence to the verification process. This will make it easy to bring offending carriers to the Commission's attention. In addition to using the NPFA as

[8] Procedures for soliciting and imposing freeze and procedures for lifting freeze are set forth in 47 C.F.R. § 64.1190(d) and (e).

their TPV vendor for PC freeze orders, IXCs, resellers and LSPs could explore using the NPFA TPV division as their TPV vendor for regular service orders in order to gain cost efficiencies.

### C. NPFA COST AND ESTIMATES

On April 18, 2001, an industry working group presentation was made to NECPUC. In conjunction with the working group proposal, Neustar submitted some preliminary numbers for the set-up costs and day-to-day transactional costs of entities similar to the NPFA. Although provisional numbers were submitted confidentially to NECPUC, the numbers indicated that the finances of setting-up and running a Neutral PC Freeze Administrator are reasonable and affordable. Additionally, the industry working group established in New England estimated that a Neutral PC Freeze Administration could be established and workable in 9-12 months. Similarly, the New York Commission held two days of industry workshops on the Neutral Third Party Administrator concept during the summer 2001. Different vendors, including Neustar, NCS and Telcordia, made presentations on the neutral administrator concept. AT&T urges this Commission to avail itself of information from its New England and New York counterparts and to ask Neutstar and perhaps other interested parties to submit non-binding "order of magnitude proposals for establishing such a system. Alternatively, the Commission would put out either a Request for Information ("RFI") or, working in conjunction with the industry to develop specifications, a Request for Proposals ("RFP") for an NPFA. Our research to date demonstrates that there are several competent firms ready willing and able to establish such a system at an affordable price.

## D. ADDITIONAL NEUTRAL ADMINISTRATION FUNCTIONS OR TIE-INS.

AT&T's proposal for a Neutral PC Freeze Administrator has attempted to address ALEC migration concerns in addition to IXC concerns. AT&T proffers that the neutral entity envisioned to administer the PC Freeze program could easily be expanded to address two additional issues associated with the migration of customer local service. In an attempt to provide big picture perspective, AT&T paints these additional proposals in broad-brush strokes. This Commission staff has already indicated in interest in the guidelines for ALEC migration of local customers. If the Commission is interested in the proposals set forth herein, AT&T recommends that an RFI be put out to allow would-be vendors the opportunity to make proposals for consideration.

Two different types of problems occur in communications with some ALECs. First, among ALECs, the system to exchange customer account record (CARE) information is not broadly established. Some ALECs exchange CARE with other carriers (including ALECs) on a selective basis. The proposal in section "1" below for a CARE Data Exchange Administrator addresses this issue. Second, because competition in the local service market is a recent development, there is no industry system for ALEC exchange of a customer's local service record. The proposal in section "2" below for a neutral administrator to centrally store the CSR for all carriers addresses this issue. As such, it is very feasible and probably resource-effective to marry solutions to these related problems. The solution need not be produced at all once. A central information hub(s) might be created in stages, or separately with an eye to combining them at a more mature point.

In addition to the creation of a Neutral PC Freeze Administrator, a central information hub serving all carriers should include two additional components:

(1) CARE Data Exchange Clearinghouse and/or Administrator; and

(2) A Customer Account Data Store and/or Clearinghouse that contains not just nine elements of the customer account record, but the entire local customer service record.

### 1. CARE Data Exchange Clearinghouse

The neutral entity could also serve as a CARE Data Exchange Clearinghouse and/or Administrator. Although the ILECs and other IXC carriers have set up the CARE system so that they exchange customer account information, many of the more recent ALEC entrants into the market are challenged to duplicate such systems and/or negotiate the "interface" of such CARE feeds with every other carrier they might have need to communicate with. Similarly, the incumbent carriers in the industry are challenged to set up the "interface" with the new entrants that they have need to communicate with. For example, one of the challenges of exchanging CARE is that the systems of the companies must communicate. Some carriers communicate electronically, some companies still communicate on paper, and some do not communicate at all. Lack of communication fails the entire system and causes some portion of the customer's request to be badly handled or not handled at all. Differences in communication methods, such as when one company sends CARE via a fax and the other company is set up to receive an electronic message, present challenges that require time and resources to resolve. Even if both companies hope to interface electronically, their technical systems must also be able to speak to each other.

To meet these challenges, the NPFA Data Store could also serve as a collection and distribution point for messages between carriers that lack an established CARE interface. To begin with, it is not expected that participation in the CARE Data Exchange Clearinghouse would be mandatory for all carriers. However, even industry carriers that have negotiated, contracted and implemented CARE interfaces with some of the other carriers would have the opportunity to participate in the clearinghouse on a limited basis to communicate with the carriers with whom they do not have CARE relationships. And, with the clearinghouse established, carriers with pre-existing CARE arrangements would have the opportunity and incentive to migrate to full participation in the clearinghouse if its efficiencies prove attractive. Even the commencement of this voluntary "hubbing" would promote standardization of CARE format. Further, if necessary, the neutral entity could also "translate" CARE submitted in a non-standard form into a form easily transmittable to and understandable by other carriers. The transaction costs for receiving and sending CARE through this point should be such that they would significantly offset the costly infrastructure needed to maintain CARE interfaces with multiple carriers. Moreover, the CARE Data Exchange Clearinghouse Administrator could be permitted to serve as a sort of traffic cop, by sending out alerts to carriers who delay implementation of an order when a submitting carrier's order is in jeopardy becoming untimely. This will ensure that the customer's service changes are promptly executed within acceptable intervals of time, and problems preventing such execution may be more easily pinpointed. The neutral entity can also coordinate the processing of multiple orders to reduce LNP porting problems.

### 2. Neutral Central CSR Data Store or Clearinghouse accessible by All Carriers

The central data storehouse or clearinghouse envisioned in association with the NPFA above would only maintain or manage nine (9) items regarding the customer local service account. In contrast, a customer's local service record may ordinarily encompass anywhere from twelve (12) to upwards of fifty (50) items of information. Such additional information includes the additional services requested by the customer such as call waiting, voice mail and caller-id. Many customers who switch carriers request "the same service" they already have if it can be obtained more inexpensively elsewhere. Rather than frustrate a customer by reading an entire list of menu options to them to see which ones they sign up for, the accessibility of a centralized CSR data store will greatly foster local competition by allowing competing carriers access to complete customer information to facilitate "as is" porting. (Again, access would be granted only as authorized by the customer, to the extent such authorization might be required). Of additional benefit, this centralized CSR data store or clearinghouse may serve as an inexpensive alternative for smaller companies that do not have the technical or financial infrastructure to either or both maintain their own CSRs electronically or set up electronic interface arrangements to exchange CSRs with all other CLECs. To function properly, carrier participation in a CSR data clearinghouse should be mandatory.

### 3. The Future

The CSR data store/clearinghouse combined with a CARE Data Exchange in which ALL carriers participate has the potential to become a universal PC/PLOC change administrator for all carriers. As such, carriers would send the customer orders to this neutral hub, and the hub would distribute the appropriate order/ information update to all

carriers involved in effecting the order or affected by the order. Additionally, this central hub may offer other benefits at reduced cost. For example, the central administration would be in a position to assist state regulatory agencies by providing industry-wide reporting and serving as an additional source of information necessary to resolve customer problems and disputes between carriers. *See e.g.,* footnote 24.

A universal PC/PLOC change administrator need not be treated as an unbuildable Taj Mahal. The proposals set forth herein may serve as the very building blocks of a neutral, pro-competitive hub that interfaces with all industry carriers and keeps the customer from being caught in the middle. It may be more appropriate to analogize a universal PC administrator to the "Field of Dreams", if you build it, the competitors will come to play.

Indeed, Mexico and Argentina already have some sort of universal PC/PLOC change administration that is provided by a vendor with operations out of Minnesota.[9] The establishment of the neutral central database administrator in Mexico in 1997 appears to have been coincidental with the introduction of long distance competition in Mexico on January 1, 1997 when ten competitors entered the market monopolized by TelMex. Most of the competitors were relying facilities owned by TelMex. *See* Market Analysis: Mexico, © May 2000 Ovum, Ltd., at 4, *available through* "Competitive

[9] Pursuant to a presentation made to the FCC in 1999, NCS has been a central database administrator in Mexico since 1997 and was selected to be the neutral presubscription database administrator in Argentina in 1999. In Mexico, all presubscriptions requests are submitted to NCS Mexico which verifies the carrier selection by phone and forwards the request to the local operator. The NCS Mexico database apparently mirrors the databases of the local operators, and is the ruling presubscriptions database in Mexico. In total, NCS Mexico performs the following services: Presubscription database administrations, PC clearinghouse, TPV services (inbound and outbound), PC dispute resolution, PC freeze administration, carrier help desk and customer Bad Debt database administration. It also provides communications industry reporting as relates to presubscription, including slamming, market penetration, and aging of activation requests by local operations.

Carriers@Ovum" at http://www.ovum.com/research/. Local service competition was subsequently introduced in Mexico in 1999. Similarly, the telecommunications market in Argentina was opened to competition or "liberalized" between 1998-2000. Specifically, two providers who monopolized different regions of Argentina were authorized to compete in each other's territories in November 1999. Full "liberalization" of Argentina's telephony market is considered to have been accomplished by November 2000. *See* Market Analysis: Argentina, © January 2001, Ovum, Ltd., at 4, *available through* "Competitive Carriers@ovum.com" at http://www.ovum.com/research/.

By mapping out architectural plans for such a neutral hub and interface now, individual carriers will be able to design and plan to use their resources to maximize the benefit and cost savings of this any such future hub. Eventually, such a hub could oversee the traditional role performed by the ILEC today. The customer could be able to call the neutral hub directly to request service and PC changes instead of contacting ILECs, ALECs and IXCs separately.

**CONCLUSION**

It is clear that the Commission staff, by initiating this workshop, is concerned about the ILEC's processes with regard to PC freezes. While AT&T applauds the staff for its concerns with regard to PC freezes, there is reason to step back from the individual issues and complaints and look at the forest for a moment. On the one hand, virtually every major IXC and ALEC competitor of the ILECs, including AT&T, Sprint, MCI, Z-Tel and others, have complained repeatedly that the current system for lifting PC freezes is inefficient, anti-consumer, anti-competitive and subject to abuse. The example that has led us to this particular rulemaking is indicative of this problem. All that these carriers

have ever sought was a competitively neutral, efficient system that would allow customers to make bona fide changes to their carrier choice when they wish to do so. On the other hand, the ILECs, the only beneficiary of the existing system, defend it tenaciously. We submit this is not altruism but self-interest. The existing system's inefficiencies and opportunities for discrimination and competitive abuse are defended by the ILECs because it is a significant competitive – or anticompetitive – tool.

Moreover, even if the system had served well in the past, it cannot serve well, or even at all in the future. The existing system assumes that the ILEC is *the* local carrier. That is no longer true. Yet, there is nothing in the existing system that permits it to serve in a multi-carrier competitive environment.

The industry needs to move from a ILEC-centric system to a system of carrier change administration handled by a neutral third party administrator capable of serving and protecting all customers, no matter what carrier they are coming from or what carrier they are going to. Nothing else except a third party administrator is even plausible in a multi-carrier environment.

AT&T requests that this Commission move promptly on this matter by preparing, in consultation with the industry, a Request for Proposal for a third party administrator. Upon the receipt of such proposals, we recommend that the Commission, in consultation with the industry, select a bidder to implement a third party data base system, to be designed, ordered and overseen by this Commission.

RESPECTFULLY SUBMITTED this 23rd day of May, 2002.

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# Neutral Third Party Administrator (NTA):

# Customer Information Exchange
# Proposal to Address
# Industry Infrastructure Issues

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# Agenda

- Introduction
  - Purpose
  - Why NTA?
- Background on Industry Infrastructure issues
  - PIC Freezes and Data Rejects
  - Customer Account Record Exchange ("CARE") and continued billing problems
- Description of NTA
  - Phases 1 and 2
    - Benefits
- Summary


# Purpose:
# To get the customer out of the middle

- Generally customers want a seamless migration process involving only one phone call
- This is not always feasible in view of current infrastructure, or lack thereof

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# Why NTA?

- Customers changing their Local Service Provider may find themselves in a unwanted position of having their long distance service negatively impacted.
  - Customer billed for "casual usage" by old carrier after the outPIC has occurred.
  - Customer billed for "casual usage" by new carrier after the inPIC has occurred.
  - Customer billed monthly recurring fees and other non-usage fees by old carrier months after the outPIC has occurred.
  - Customer has to make multiple calls to LEC, old carrier and new carrier to try to resolve problem. Each carrier blames the other for the customer's problem.
- Current freeze administration results in a customer waiting up to 3 weeks for their desired change to take place.

# PIC Freezes and Data Rejects

- PIC freezes on interstate toll service are not a required offering, but, if offered, may be administered only by the LEC. As such, IXC's do not know of the freeze status until the order is rejected by the LEC. A costly re-work process takes place and often the order is still lost because customer is never reached or customer does not want to be bothered with 3way call to lift the freeze.
- In contrast, when an ILEC wants to switch a customer to its toll services, because it is the administrator, it can proactively advise the customer on a sales call of the existence of a freeze and lift it before the order is submitted.
- IXC orders are being rejected due to industry infrastructure problems
  - WTN not found, wrong LSP
- These problems do not reflect a customer intention not to switch service, but rather an industry infrastructure problem where a carrier may not have the necessary information at the time it accepts an order from a customer or submits an order to the LEC to know that there is a problem and/or to resolve it with the customer upfront.

# CARE & Continued Billing

- Generally, Customer Account Record Exchange ("CARE") is not regulated or mandated.

- As a process, CARE is failing because many CLECs, ICOs and ILECs do not send CARE. Other CLECs send in untimely and poor quality CARE.

- Example why is it not working with increasing local competition and migrations
  - Under OBF, if the customer switches to a new LEC, the old LEC sends a record to the IXC stating the customer is no longer their local customer but it rarely indicates the identity of the new LEC. The IXCs are supposed to wait 30 days for notification from the new LEC that they were the chosen IXC. If no record is received, they are to disconnect the customer.

# CARE & Continued Billing (cont'd)

- Based on current guidelines the following customer impacts may occur:
  - If the CLEC doesn't support CARE and the customer still wants the IXC, then the customer will lose their OCP and will begin to be charged basic rates.
  - If the IXC does not disconnect the account after 30 days, they will be charging a customer for an OCP that they may no longer want.
  - This lack of confirmed IXC status causes the IXC to presume, rather than know, the status of the customer account.
  - Nor do the IXCs know the identity of the previous IXC.

# Description of NTA

NTA assumes mandatory industry support of CARE

Phase 1:

Using NTA performs as the PIC freeze administrator, and administers the data store for real time customer account status query in order to prevent other order rejections.

Phase 2:

Expanding the NTA data store to include entire Customer Service Record (CSR) to enhance local service porting with the potential to administer the CLEC CARE feed exchanges.

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# NTA Phase 1 Benefits

- Removes the customer from the middle of LEC & IXC provisioning problems.
  - Accommodates the full range of customer requests via 1 phone call: PIC freeze change, PIC change without changing PIC freeze, etc.
- Customer requests are effectuated in a timely manner since this tool proactively prevents unnecessary order rejections.
- Cost impact minimized for LSPs since the cost of the NTA transaction replaces the cost of the provider's current PIC freeze verification process
- IXCs, resellers and LSPs can use the NTA as their new TPV vendor in order to gain cost efficiencies.

**Mechanized Audit Trail:** Ability to track PIC order to NTA verified PIC freeze to ensure carrier adherence to the verification process. Offending carriers will be brought to the commission's attention. Commission's can query NTA to assess carrier activity.

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# NTA Phase 2 Benefits

- Reduces customer complaints regarding 'continued billing problems'
  - Becomes the universal PIC/PLOC change administrator for all carriers
- Fosters local competition by allowing competing carriers access to complete customer information to facilitate "as is" porting via a centralized CSR repository
- The NTA can serve as an inexpensive alternative for smaller companies that do not have the technical and/or financial infrastructure to maintain its own CSR.
- NTA can coordinate the processing of multiple orders in order to reduce LNP porting problems
- Enables smaller carriers to enter the market with minimal negative impact to customers and other carriers
- Single entity with capability to produce CARE processing scorecard.

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# Summary

- Impacts to customer issues:
  - Phase 1
    - One call to resolve PIC freeze issues
    - Carrier changes effective in a timely manner
    - Mechanized audit matching PIC orders to verified freeze lifts
    - Reduction in receipt of multiple bills
  - Phase 2 (in addition to those listed above)
    - Resolves multiple bill issues
    - Efficient “as is” local migration
    - Timely resolution to carrier migration issues
    - Reduction of LNP porting problems
- Proposals for trial of NTA concept

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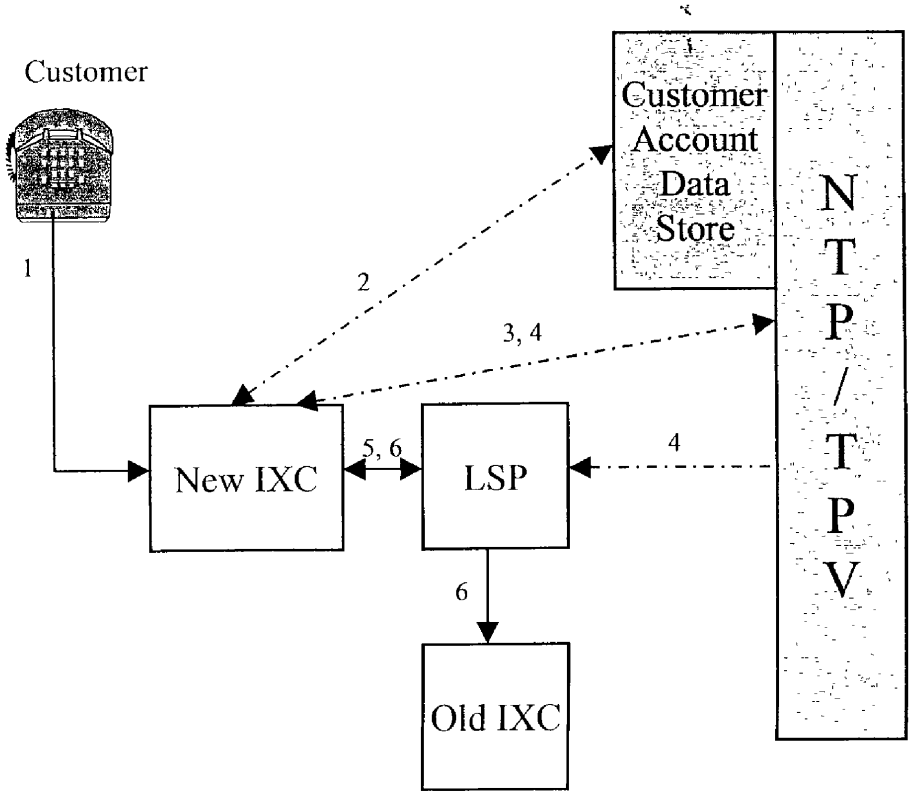
# Appendix

## Process Flows

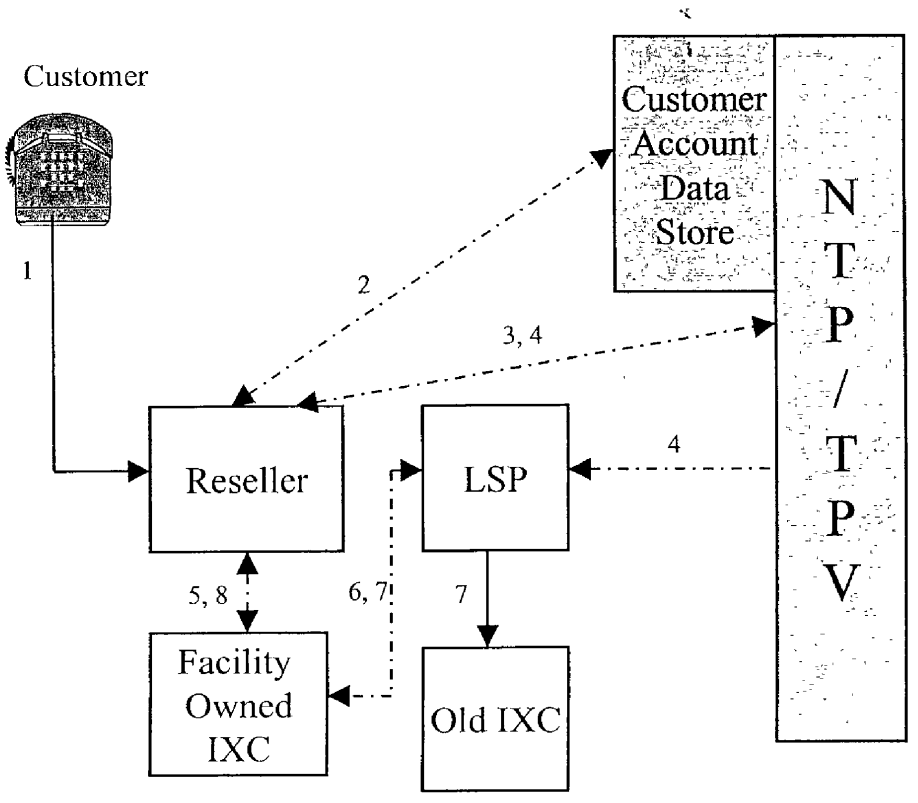
# Neutral Third Party Proposal - Phase 1
# IXC Order




1. Customer requests pic change to New IXC.
2. New IXC queries Customer Account Data Store.
3. If pic frozen, customer is transferred to the NTP.
4. NTP administers pic change and/or pic freeze requests and sends pic verification confirmation to New IXC, and pic freeze status update to LSP.
5. New IXC sends pic notification to LSP with special notification code and TPV authorization number.
6. LSP processes pic change order and sends outpic to old IXC and inpic to new IXC.

Note: A copy of the inpic could be sent to NTA by New IXC or LSP to create an audit where the PIC order must match the verified freeze lift.

# Neutral Third Party Proposal - Phase 1
# Switchless Reseller Order




1. Customer requests pic change to Switchless Reseller.
2. Reseller queries Customer Account Data Store.
3. If pic frozen, customer is transferred to the NTP.
4. NTP administers pic change and/or pic freeze requests and sends pic verification confirmation to Reseller, and pic freeze status update to LSP.
5. Reseller sends pic notification to Facility Owned IXC with special notification code and TPV authorization number.
6. Facility Owned IXC forwards notification to LSP.
7. LSP processes pic change order and sends outpic to old IXC and inpic to new IXC.
8. Facility Owned IXC sets up billing account/calling plan and forwards confirmation to Reseller.

Note: A copy of the inpic could be sent to NTA by New IXC or LSP to create an audit where the PIC order must match the verified freeze lift.

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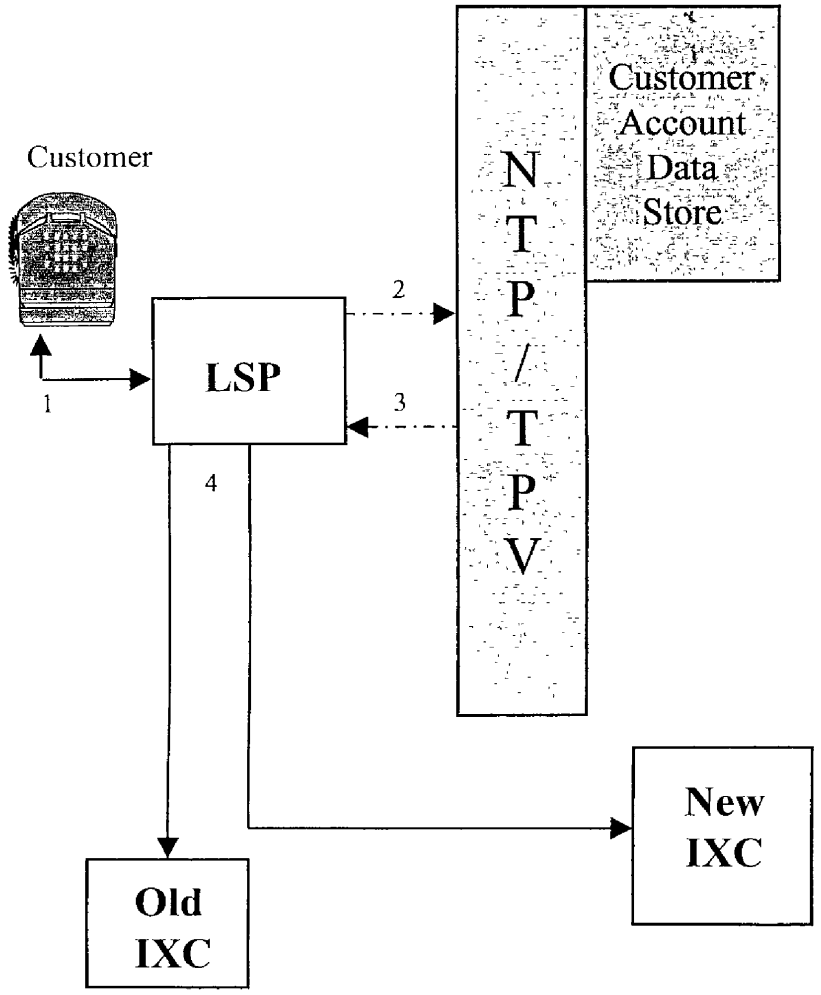
# Neutral Third Party Proposal - Phase 1
# LSP pic freeze Order




1. Customer contacts LSP for pic freeze change.
2. LSP transfers customer to NTP for the administration of the pic freeze order.
3. NTP sends pic freeze status update to LSP.
4. LSP updates database, and may send pic freeze status update to affected IXCs.

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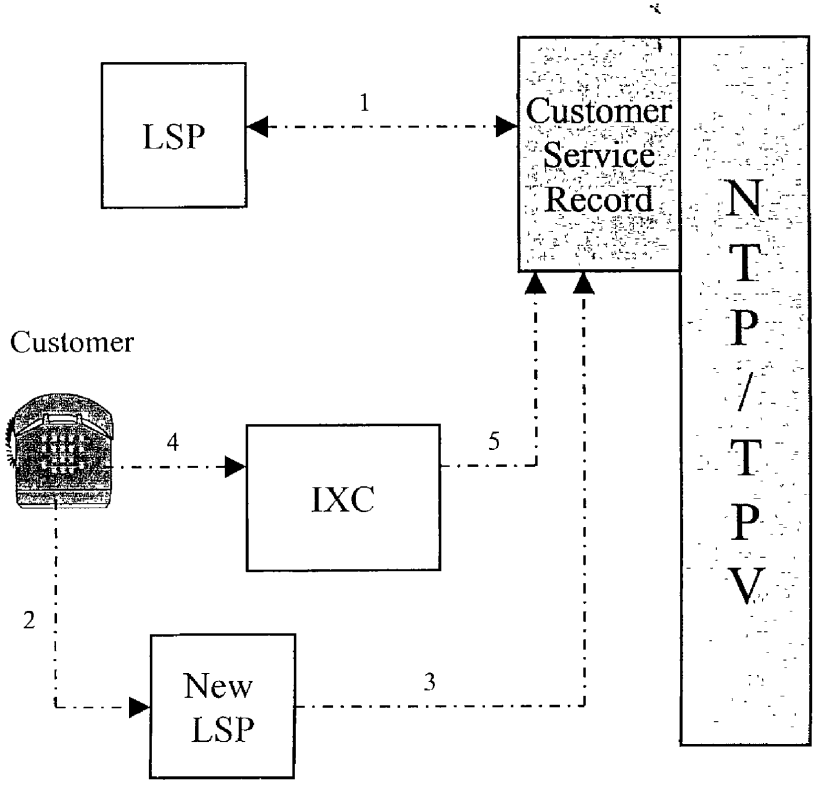
# Neutral Third Party Proposal - Phase 2

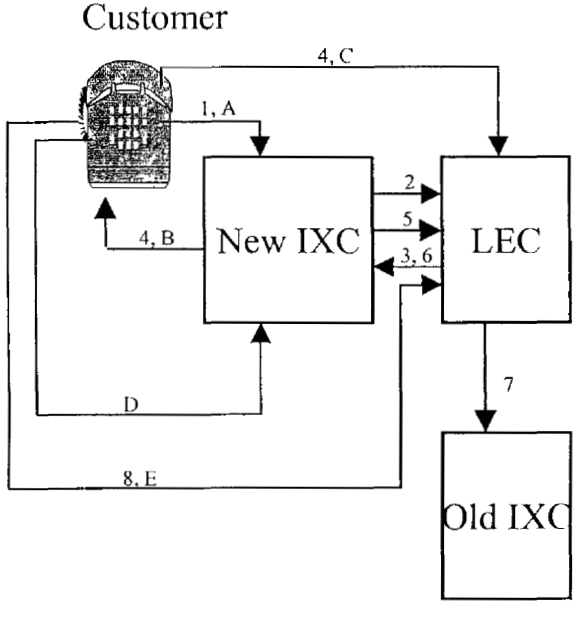
## NTP to centrally store CSR for all carriers




1. LSP provides universe of CSR's to NTP, and provides update of CSR's to NTP. (Each time CSR is updated a copy is written to the NTP. Allows for most current customer data.)
2. Customer requests new LSP.
3. New LSP queries CSR to facilitate "as is" migration.
4. Customer requests new IXC.
5. IXC may query CSR to prevent data rejects such as WTN not found or Wrong LSP.

# Current PIC Freeze Administration by LEC

Steps required to switch service if customer is not aware when he/she places the order that there is a PIC freeze in place




**IXC/LSP Process**

| | |
|---|---|
| 1. IXC obtains customer's PIC change order in accordance with FCC verification requirements (e.g., LOA, TPV) | 1 day |
| 2. IXC sends PIC order to LEC | 1 day |
| 3. LEC sends order rejections to IXC | 2-3 days |
| 4. IXC recontacts customer and bridges on LEC in an attempt to lift the freeze and/or asks customer to contact LEC to arrange for PIC freeze lift and then contact IXC to resubmit customer's order | 5-10 days |
| 5. If PIC Freeze lift request accepted by LEC*, IXC resubmits PIC change order since LEC will not always also accept customer PIC change order on this call. | 1 day |
| 6. If order is not further rejected for other reasons, LEC sends order confirmation to new IXC. CUSTOMER'S IXC SERVICE IS FINALLY CHANGED. | 2-3 days |
| 7. LEC sends outPIC to old IXC | |
| 8. For customers who wish to have the PIC freeze reinstated after the PIC change order, customer must place another phone call to the LEC. | |

**Customer Contacts**

A. First Call: Customer places order with IXC
B. Second Call: IXC informs customer that the order was rejected because of PIC freeze
C. Third Call: Customer (with or without IXC) calls LEC to lift PIC freeze
D. Fourth Call: If customer did not bridge new IXC on with LEC, customer usually must call IXC to advise PIC freeze lifted and arrange for re-submission of customer order
E. Fifth Call: After IXC order is fulfilled, customer contacts LEC to reimpose PIC freeze

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of AT&T's Comments in Docket No. 011077-TL has been served upon the following parties by Hand Delivery (*) and/or U.S. Mail this 23rd day of May, 2002.

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